

AMENDED

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office. JUL 15 1986  
 Returned to applicant for correction. JUL 28 1986  
 Corrected application filed. SEP 18 1986 Map filed SEP 18 1986 under 49988

The applicant. Foote Mineral Company  
 of Silverpeak  
 Nevada (89407) hereby make application for permission to change the  
 Point of Diversion  
 of water heretofore appropriated under Permit Number 44266  
 (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

- The source of water is. Underground  
 Name of stream, lake, underground spring or other source.
- The amount of water to be changed. 1.5 cfs  
 Second feet, acre feet. One second foot equals 448.83 gallons per minute.
- The water to be used for. Mining and Domestic  
 Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water heretofore permitted for. Mining and Domestic  
 Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water is to be diverted at the following point. within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2, T2S, R40E, MDM, or at a point from which the Southwest corner of Section 22, T2S, R39E, MDM bears, S 62° 49' 45" W a distance of 42,323 feet.  
 Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.
- The existing permitted point of diversion is located within. the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 22, T1S, R40E, MDM, or at a point from which the Southwest corner of Section 22, T2S, R39E, MDM bears, S 48° 28' 03" W a distance of 52,780 feet.  
 If point of diversion is not changed, do not answer.
- Proposed place of use. See attached Exhibit "A"  
 Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
- Existing place of use. See attached Exhibit "A"  
 Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.
- Use will be from. January 1 to. December 31 of each year.  
 Month and Day Month and Day
- Use was permitted from. January 1 to. December 31 of each year.  
 Month and Day Month and Day
- Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Drilled and cased well,  
 State manner in which water is to be diverted, i.e. diversion structure, ditches, distribution system which conveys water to evaporation ponds.  
 pipes and flumes, or drilled well, etc.
- Estimated cost of works. \$50,000.00
- Estimated time required to construct works. Three years

14. Estimated time required to complete the application of water to beneficial use.....Eight years.....

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use. The brine pumped pursuant to this application contains the mineral lithium. The area which includes the point of diversion and place of use is land located pursuant to the Mining Laws of 1872, as found in 30 USC 22, et seq. The brine solution is pumped to evaporation ponds where the lithium is recovered from the dehydrated solution. The daily duty of brine pumped will not exceed 15 million gallons per day from any and all sources; or 16,800 acre-feet annually from all sources. The various pumps are utilized 365 days per year. Water pursuant to this application will be commingled with the other production permitted rights of applicant.

By.....s/Ross E. delipkau  
Ross E. delipkau, Agent  
Post Office Box 2790  
Reno, Nevada (89505)

Compared cc/se pm/se

Protested.....

.....APPROVAL..... OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of the waters of an underground source as heretofore granted under Permit 44266 is issued subject to the terms and conditions imposed in said Permit 44266 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the Proof of Completion of Work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 44251, 44252, 44253, 44254, 44255, 44256, 44257, 44258, 44260, 44261, 44267, 44268, 44269, 44270, 49988, 49989, 49990, 49991, 49992, 49993, 49994, 49995 and 49996 shall not exceed 15 million gallons per day or 16,800 acre-feet annually.

The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not

to exceed.....1.5.....cubic feet per second, but not to exceed 1086.0  
acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before.....June 15, 1989

Proof of completion of work shall be filed before.....July 15, 1989

Application of water to beneficial use shall be made on or before.....June 15, 1990

Proof of the application of water to beneficial use shall be filed on or before.....July 15, 1990

Map in support of proof of beneficial use shall be filed on or before.....N/A

Completion of work filed.....IN TESTIMONY WHEREOF, I.....PETER G. MORROS.....  
State Engineer of Nevada, have hereunto set my hand and the seal of

Proof of beneficial use filed.....my office, this.....18th.....day of.....August.....

Cultural map filed.....

Certificate No.....Issued.....

A.D. 19.....87.....

*[Signature]*  
State Engineer

2407 (Rev. 6-81)

WITHDRAWN BY *[Signature]* JUL 6 1993

*[Signature]*  
STATE ENGINEER

(PERMIT TERMS CONTINUED)

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

EXHIBIT "A"

The S 1/2 of Section 35 and all of Section 36, Both in T. 1 S., R. 39 E., M.D.M., and E 1/2 of Section 10, the E 1/2 of Section 15, the SE 1/4 of Section 21, the E 1/2 of Section 28 and all of Sections 1, 2, 3, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 34, 35, and 36 all in T. 2 S., R. 39 E., M.D.M., the SE 1/4 of Section 19, the S 1/2 of Section 20, the E 1/2 and Lots 23\* and 24\*, now Lots 47, 48, 49, and 50 of Section 30 and all of Sections 21, 22, 23, 26, 27, 28, 29, 31, 32, 33, 34 and 35 all in T. 1 S., R. 40 E., M.D.M., the NW 1/4 of Section 11, the N 1/2 and the SW 1/4 of Section 10, the NW 1/4 of Section 15, the N 1/2 and the SW 1/4 of Section 16 and all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, and 31 all in T. 2 S., R. 40 E., M.D.M., Clayton Valley, Esmeralda County, Nevada.

- \* On December 16, 1983, the BLM approved an independent resurvey of T. 1 S., R. 40 E., M.D.M., which supercedes the plat approved April 14, 1884. The 1983 resurvey subdivided and renumbered original Lots No. 23 and No. 24. The resurvey did not change the total area or the horizontal position within Section 30, T. 1 S., R. 40 E.